

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

SUSAN A. RUFFLES,

Plaintiff,

v.

ORDER
05-CV-436

JO ANNE B. BARNHART,
Commissioner of Social Security

Defendant.

This case was referred to Magistrate Judge Hugh B. Scott, pursuant to 28 U.S.C. § 636(b)(1), on September 15, 2005. On December 12, 2005, defendant filed a motion for judgment on the pleadings. On April 18, 2006, Magistrate Judge Scott filed a Report and Recommendation, recommending that the decision of the Commissioner be reversed, and the matter be remanded for further administrative proceedings. The Magistrate Judge further recommended that the defendant's motion for judgment on the pleadings be denied and plaintiff's motion for similar relief in her favor should be granted.

Defendant filed objections to the Report and Recommendation on May 2, 2006 and plaintiff filed a response thereto. Oral argument on the objections was held on June 30, 2006.

Pursuant to 28 U.S.C. § 636(b)(1), this Court must make a de novo determination of those portions of the Report and Recommendation to which objections have been made. Upon a de novo review of the Report and Recommendation, and after reviewing the submissions and hearing argument from the parties, the Court adopts the proposed findings of the Report and Recommendation.

Accordingly, for the reasons set forth in Magistrate Judge Scott's Report and Recommendation, the decision of the Commissioner is reversed, and the matter remanded for further administrative proceedings. The defendant's motion for judgment on the pleadings is denied and plaintiff's motion for similar relief in her favor is granted. The Clerk of Court shall take all steps to close this case.

IT IS SO ORDERED.

/s/ Richard J. Arcara

HONORABLE RICHARD J. ARCARA
CHIEF JUDGE
UNITED STATES DISTRICT COURT

DATED: July 20, 2006